

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below)  
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more  
specifically described as follows, to-wit:

Starting at the Northwest corner of Lot #161  
Swinneys Addition and extending East 70' (seventy  
feet) along the property line. Then North 10'  
(ten feet) turning West and extending 70' (seventy  
feet) turning South 10 (ten feet) to point of  
origin.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.



Janet H. Bradbury.  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McAulay  
J. TIMOTHY MOCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1990,  
in the Council Chambers.

Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 1-23-90.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR

# RECEIPT

No 7267

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11/28 1989

RECEIVED FROM Three Rivers Kefauver \$100.00

THE SUM OF One Hundred & 00/100 100 DOLLARS

ON ACCOUNT OF Parale of Alley 1/2 block St.

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE [Signature]



Date Filed: \_\_\_\_\_

Vacation Petition

I/We NOWAK & WILLAMS SUPPLY COMPANY  
(Applicant's Name or Names)

PETITION TO VACATE DEAD END ALLEY  
(Street, Alley, Utility Easement, Plat,  
\_\_\_\_\_  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following DEAD END ALLEY with the City of Fort  
Wayne, Indiana, and hereby described as follows:

1ST ALLEY NORTH OF WALL ADJACENT TO LOT 161 AND SPACE ADJACENT ON EAST.  
IN SWINNEYS ADDITION SEE ATTACHED MAP.  
SEE ATTACHED LEGAL

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

ALLEY IS A DEAD END ALLEY PETITIONER WISHES TO ERECT A SECURITY FENCE TO  
SECURE BUILDING FROM BEING BURGLARIZED. TRANSIETS HAVE BEEN USING BACK  
ALLEY AS A REFUGE.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
DEAD END ALLEY be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

NOWAK & WILLAMS SUPPLY CO.  
Adjacent Property Owner  
Typed Name

302 W. SUPERIOR FT. WAYNE  
Address

Ted Nowak (President)  
Signature

~~XXXXXXXX~~ CONSOLIDATED RAIL CORPORATION  
Adjacent Property Owner  
Typed Name

ROOM 545, 31 E. GEORGIA ST., INDIANAPOLIS, IN  
Address 46204

CJ Warman  
Signature



Legal Description of Property:

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Additional Reasons for Vacation Request:

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Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Owners TYPED Name	Property Address	Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

Agent:

Three Rivers Refining Co., Inc.

1506 Wall St.

Ft. Wayne, In 46802

426-0420

David or Tom Hendry

426-0420

DAVID OR TOM HENDRY

THREE RIVERS REFINING CO.  
1506 WALL STREET  
FT. WAYNE IND. 46802

AGENT:

07/10/90



Revised Legal Description  
Vacation Request

Starting at the Northwest corner of Lot# 161 Swinneys Addition and extending East 70' (Seventy Feet) along the property line. Then North 10' (Ten Feet) turning West and extending 70' (Seventy Feet) turning South 10' (Ten Feet) to point of origin.

A handwritten signature in blue ink, appearing to read "David Hendry", is written over a horizontal line.

revised by David Hendry Agent

12-26-89

Date

*Custom Gold Plating*



# Division of Community Development & Planning

## BRIEF TITLE

Alley Vacation Ordinance

## APPROVAL DEADLINE

## REASON

## DETAILS

## Specific Location and/or Address

East/West alley North of the 1500 Block of Wall Street.

## Reason for Project

Three Rivers Refining Company wanted to enclose their property with a fence for security purposes.

## Discussion (Including relationship to other Council actions)

22 January 1990 - Public Hearing

David Hendry, representing Three Rivers Refining Co., Inc., stated that they were requesting the vacation in order to allow them to put up a fence around their property for security purposes. He stated that this is a dead end alley and that the alley to the west of this portion of alley has already been vacated for some time. He stated that they have been broken into and the perpetrator escaped through this open alley way.

Mark Gensic questioned if there were any sanitary sewer lines in any portion of the alley.

Mr. Hendry stated there was none in the section they wanted to vacate. He stated that there is a sewer running in the north/south alley.

There was no one else present who wished to speak in favor of or in opposition to the proposed alley vacation.

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Three Rivers Refining Co.,  
Inc.  
City Department

Other

## Opponents

## Groups or Individuals

Basis of Opposition

Staff  
Recommendation
☐ For ☒ Against

Reason Against

Board or  
Commission  
Recommendation

## By

☐ For ☒ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)
CITY COUNCIL  
ACTIONS  
(For Council  
use only)
☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass



# DETAILS

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner provided utility easements or relocations as needed.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

## 22 October 1990 - Business Meeting

All ordinances which are given a DO PASS recommendation by the City Plan Commission, upon conditions to be met by the petitioners or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioners or others to satisfy the conditions required by the Plan Commission. In the event that such conditions are not satisfied, the petition will be returned to the Plan Commission for their re-evaluation and recommendation of DO NOT PASS, if proper at that time.

Three Rivers Refining Co., Inc., was notified by letter on September 25, 1990 that the conditions had not been satisfied within the allotted six (6) months and that the ordinance would be returned to the Commission with a recommendation of Do Not Pass if the conditions were not satisfied by October 15, 1990. The petitioners did not respond to this letter.

# POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

The ordinance was returned to the October 22, 1990 Business Meeting with a DO NOT PASS recommendation.

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start

Date November 28, 1989

Projected Completion or Occupancy

Date October 23, 1990

Fact Sheet Prepared by

Patricia Biancaniello

Date October 23, 1990

Reviewed by

Reference or Case Number

Date 10-24-90

*R. Medina 32*



November 28, 1990

Sandra Kennedy, City Clerk  
One Main Street  
Fort Wayne, IN 46802

RE: Bill #G-90-01-30

I would like to have the above referenced petition for an alley  
vacation withdrawn.

Thank You

A handwritten signature in blue ink, appearing to read "J. Thomas Hendry, Sr.", written over the printed name.

J. Thomas Hendry, Sr.  
President  
Three Rivers Refining Co., Inc.

*Custom Gold Plating*



#412

ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE**

Alley Vacation Ordinance

**DEPARTMENT REQUESTING ORDINANCE**

Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE**

East/West alley North of the 1500 Block of Wall Street.

21-90-01-30

**EFFECT OF PASSAGE**

Property is presently dedicated right-of-way. Property will be vacated and revert to the adjacent property owners.

**EFFECT OF NON-PASSAGE**

Property will remain dedicated right-of-way.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**

BILL NO. G-90-01-30

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

*Withdrawn*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	<i>Withdrawn</i>		

DATED: 12-11-90.

Sandra E. Kennedy  
City Clerk

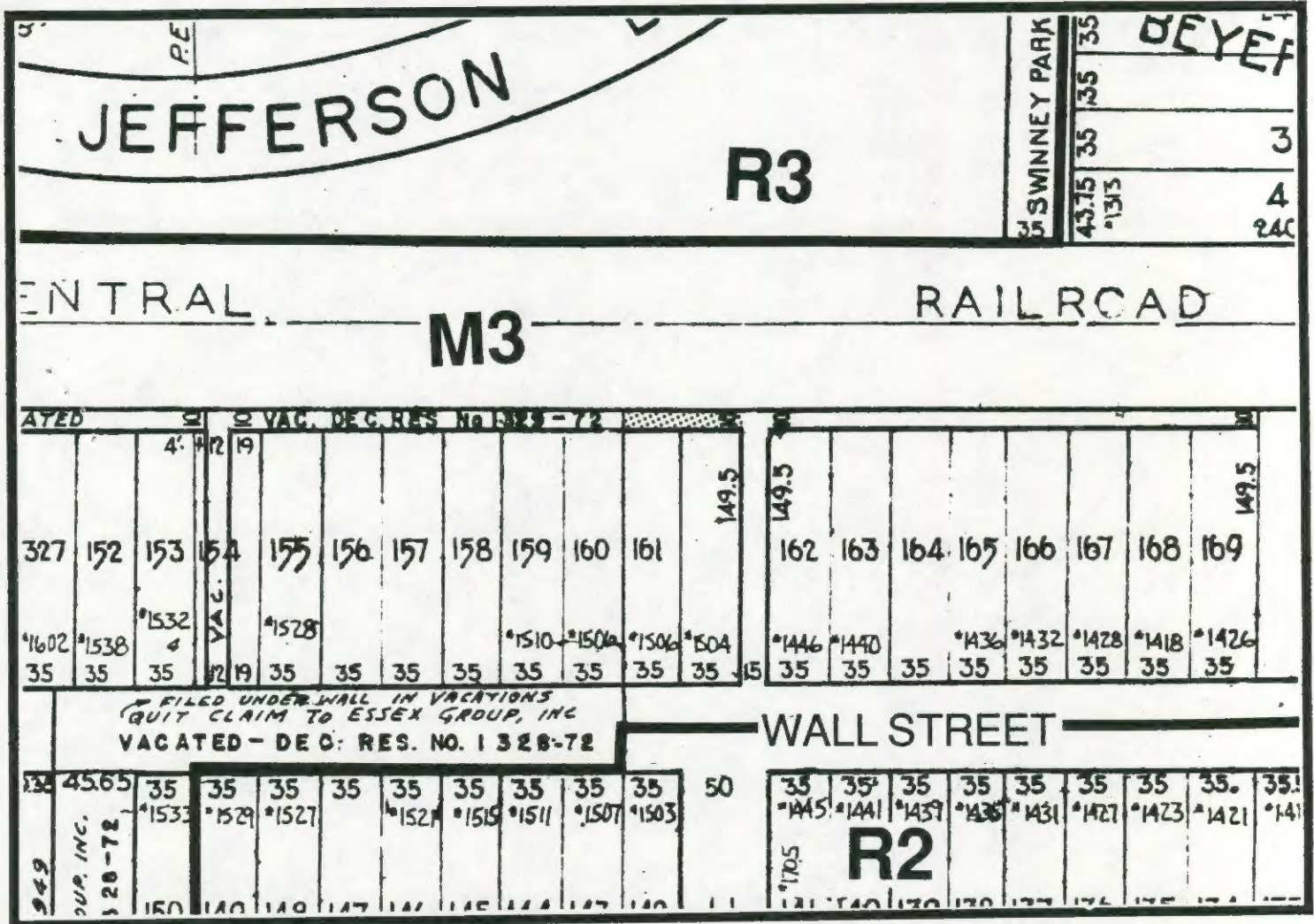


# VACATION PETITION # 412

A PETITION TO VACATE THE DESCRIBED DEAD END ALLEY.

MAP NO. K-2

COUNCILMANIC DISTRICT NO. 5



## ZONING:

R2 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

M3 HEAVY INDUSTRY

## LAND USE:

☐ COMMERCIAL



SCALE: 1"=100'

DATE: 1-4-90